

B. REMARKS

The Examiner is thanked for the performance of a thorough search. By this amendment, Claims 5, 15 and 25 have been canceled and Claims 1, 6, 7, 12, 16, 17, 22, 26 and 27 have been amended. Hence, Claims 1-4, 6-14, 16-24 and 26-31 are pending in this application. The amendments to the claims do not add any new matter to this application. All issues raised in the Office Action mailed February 12, 2003 are addressed hereinafter.

REJECTION OF CLAIMS 1-3, 8-13, 18-23 AND 28-31 UNDER 35 U.S.C. § 102(b)

Claims 1-3, 8-13, 18-23 and 28-31 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Ramsey et al.*, U.S. Patent No. 5,502,576 (hereinafter "*Ramsey*"). It is respectfully submitted that Claims 1-3, 8-13, 18-23 and 28-31, as amended, are patentable over *Ramsey* for at least the reasons provided hereinafter.

CLAIM 1

Claim 1, as amended, recites a data storage apparatus that requires:

“an interface configured to receive digital data; and
a data processor communicatively coupled to the interface and being configured
to:
 automatically receive digital data from the interface and cause the digital
 data to be stored to a write-once-read-many (WORM) storage
 device,
 process a search query against the digital data stored on the WORM storage
 device, and
 in response to processing the search query against the digital data stored on
 the WORM storage device, generate data that identifies data stored on
 the WORM storage device that satisfies the search query.”

Claim 1 has been amended to include limitations similar to Claim 5, which has been canceled by this amendment. As set forth in the Office Action, Ramsay does not teach or

suggest the limitations of Claim 5, which are now incorporated into Claim 1. In the rejection of Claim 5 under 35 U.S.C. § 103(a) as being unpatentable over *Ramsay* in view of *Kern et al.*, U.S. Patent No. 6,202,124 (hereinafter “*Kern*”), however, the Office Action asserted that the limitations of Claim 5 are taught by *Kern*. It is respectfully submitted that the limitations of Claim 5 added to Claim 1 are not taught or suggested by *Kern*.

For example, it is respectfully submitted that *Kern* does not teach or suggest a data storage apparatus with a data processor configured to “process a search query against the digital data stored on the WORM storage device.” To the extent that *Kern* describes querying, it is in the context of host 202 querying outboard data manager 216 “to determine whether the manager 216 is accessible to the host 202, and whether the manager 216 has access to the source data and target storage devices” (Col. 6, lines 49-52). In this situation, the query of host 202 is being processed against outboard data manager 216. There is no mention or suggestion in *Kern* of processing a search query against data stored on storage device 206.

As another example, it is respectfully submitted that *Kern* does not teach or suggest that the data processor is also configured to “in response to processing the search query against the digital data stored on the WORM storage device, generate data that identifies data stored on the WORM storage device that satisfies the search query.” The Office Action asserts that *Kern* teaches this limitation when a data transfer operation is generated, for example by host 202. *Kern* describes that the data transfer operation may be a wide variety of data transfer operations, such as data migrate, restore, recall, copy, move, defragment, reorganize, etc. (Col. 6, lines 1-7). The host 202 serializes and supervises the data transfer operation by issuing commands to the outboard data manager 216 (Col. 6, lines 65-67). *Kern*

also describes storing data that describes the data stored on the target device. For example, *Kern* describes storing format data and metadata on a target device and updating the catalog 212 (Col. 7, lines 3-13). There is no mention or suggestion in *Kern*, however, of generating “data that identifies data stored on the WORM storage device that satisfies the search query.”

In view of the foregoing, it is respectfully submitted that Claim 1, as amended, includes several limitations that are not taught or suggested by *Ramsey* and *Kern*, alone or in combination, and is therefore patentable over *Ramsey* and *Kern*.

CLAIMS 2, 3 AND 8-11

Claims 2, 3 and 8-11 all depend from Claim 1 and include all of the limitations of Claim 1. It is therefore respectfully submitted that Claims 2, 3 and 8-11 are patentable over *Ramsey* and *Kern* for at least the reasons set forth herein with respect to Claim 1. Furthermore, it is respectfully submitted that Claims 2, 3 and 8-11 recite additional limitations that independently render them patentable over *Ramsey* and *Kern*.

CLAIMS 12, 13 AND 18-21

Claims 12, 13 and 18-21 include limitations similar to Claims 1, 3 and 8-11, except in the context of a method for storing data. It is therefore respectfully submitted that Claims 12, 13 and 18-21 are patentable over *Ramsey* and *Kern* for at least the reasons set forth herein with respect to Claims 1, 3 and 8-11.

CLAIMS 22, 23 AND 28-31

Claims 22, 23 and 28-31 include limitations similar to Claims 1, 3 and 8-11, except in the context of a computer-readable medium for storing data. It is therefore respectfully

submitted that Claims 22, 23 and 28-31 are patentable over *Ramsey* and *Kern* for at least the reasons set forth herein with respect to Claims 1, 3 and 8-11.

In view of the foregoing, it is respectfully submitted that Claims 1-3, 8-13, 18-23 and 28-31 are patentable over *Ramsey* and *Kern*, alone or in combination. Accordingly, reconsideration and withdrawal of the rejection of Claims 1-3, 8-13, 18-23 and 28-31 under 35 U.S.C. § 102(b) as being anticipated by *Ramsey* is respectfully requested.

REJECTION OF CLAIMS 4-7, 14-17 and 24-27 UNDER 35 U.S.C. § 103(a)

Claims 4-7, 14-17 and 24-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ramsey* in view of *Kern*. This rejection is moot with respect to canceled Claims 5, 15 and 25. It is respectfully submitted that Claims 4, 6, 7, 14, 16, 17, 24, 26 and 27 are patentable over *Ramsey* and *Kern*, alone or in combination, for at least the reasons provided hereinafter.

Claims 4, 6 and 7 all depend from Claim 1 and include all of the limitations of Claim 1. Claims 4, 6 and 7 are therefore patentable over *Ramsey* and *Kern* as discussed herein with respect to Claim 1. Claims 14, 16 and 17 contain limitations similar to Claims 4, 6 and 6, except in the context of a method for storing data. It is therefore respectfully submitted that Claims 14, 16 and 17 are patentable over *Ramsey* and *Kern* for at least the reasons set forth herein with respect to Claims 4, 6 and 7. Claims 24, 26 and 27 contain limitations similar to Claims 4, 6 and 6, except in the context of a computer-readable medium for storing data. It is therefore respectfully submitted that Claims 24, 26 and 27 are patentable over *Ramsey* and *Kern* for at least the reasons set forth herein with respect to Claims 4, 6 and 7.

In view of the foregoing, it is therefore respectfully submitted that Claims 4, 6, 7, 14, 16, 17, 24, 26 and 27 are patentable over *Ramsey* and *Kern*, alone or in combination.

Accordingly, reconsideration and withdrawal of the rejection of Claims 4, 6, 7, 14, 16, 17, 24, 26 and 27 under 35 U.S.C. § 103(a) as being unpatentable over *Ramsey* in view of *Kern* is respectfully requested.

It is respectfully submitted that all of the pending claims are in condition for allowance and the issuance of a notice of allowance is respectfully requested. If there are any additional charges, please charge them to Deposit Account No. 50-1302.

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that such contact would be helpful in furthering the prosecution of this application.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



Edward A. Becker

Reg. No. 37,777

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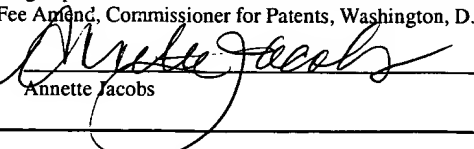
1600 Willow Street
San Jose, CA 95125
(408) 414-1204
Facsimile: (408) 414-1076

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Non Fee Amend, Commissioner for Patents, Washington, D.C. 20231

on April 29, 2003

by


Annette Jacobs